



## *City of Miami Springs, Florida*

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, June 23, 2003, at 7:00 p.m.

### **1. Call to Order/Roll Call**

The following were present:

Mayor Billy Bain  
Vice Mayor Eric Elza  
Councilman Jim Caudle  
Councilman Peter Pacheco  
Councilman Rob Youngs

Also Present:

City Manager Maria V. Davis  
Asst. City Manager/Bldg. Official Michael A. Sprovero  
City Attorney Jan K. Seiden  
Finance Director Charles G. Marshall  
Human Resources Director Loretta M. Boucher  
City Planner Richard E. Ventura  
Public Services Director Denise Yoezle  
Parks & Recreation Director Alan Ricke  
Police Chief H. Randall Dilling  
Police Lieutenant Ralph Rodriguez  
Downtown Administrator Octavien A. Spanner  
City Clerk Magalí Valls

### **2. Invocation:** Councilman Pacheco offered the invocation.

**Salute to the Flag:** The audience participated.

### **3. Awards & Presentations:**

#### **3A) Award to the Miami Springs Recreation Department by Blessed Trinity School Sports Program (Requested by Councilman Pacheco)**

Councilman Pacheco presented an award from the Blessed Trinity School Sports Program to Parks and Recreation Director Alan Ricke in recognition of his outstanding effort and dedication to the school, and for the use of the City's fields for their athletic programs.

**3B) Status of Actions Underway to Alleviate Overcrowding at the Senior High School by Mindy McNichols, Chairperson of the Education Advisory Board (Requested by Mayor Bain)**

Education Advisory Board Chairperson Mindy McNichols of 1471 Hammond Drive reported on the status of actions underway to alleviate overcrowding at the Miami Springs Senior High School, the Board's accomplishments and the goals and objectives for the next two years.

Ms. McNichols reviewed the four recommendations to the School Board set forth in City of Miami Springs Resolution No. 2002-3205 to alleviate the overcrowded conditions at the High School. She said the Board's concern is that Miami Springs Senior High School is rated a "D" school, it is overcrowded with split shifts, it has the shortest instructional time of any high school in the County, and the facility is in very poor condition.

Ms. McNichols asked the City Council to keep working with the School Board to make Miami Springs Senior High School a priority in terms of maintenance and painting.

Ms. McNichols mentioned that the City received a letter from Superintendent Merrett Stierheim regarding a site in Hialeah for a High School addition. She said the Board is working to schedule a public meeting in August with School Board member Frank Bolaños.

One of the Board's accomplishments was to change the boundaries so that all children in Miami Springs are able to attend school in Miami Springs, and the Board was able to facilitate the Miami Springs Middle School drop off zone, according to Ms. McNichols. She explained that with Council's approval, the Board supported the Fire Marshall's ability to cite schools for fire deficiencies and to repair the fire code violations at Miami Springs Senior High School.

Ms. McNichols mentioned that the Board would like Council's support to change the boundaries for Miami Springs Senior High, which is now on advised status, and also to ask for the necessary maintenance and painting at the school. The Board would like to recognize businesses that offer their support to the local schools by offering donations or special programs. She added that the Board would like to be more involved in State and Federal Legislative issues regarding the education system.

Vice Mayor Elza mentioned that both he and Mindy McNichols have been in contact with the office of School Board Member Frank Bolaños in an attempt to schedule a Town Hall Meeting.

Vice Mayor Elza added that he would like the City Council to recognize the businesses that participate in Dade Partners, which is a program that all schools have with the businesses in the community, and he would like to help the school principals to recruit more businesses.

Councilman Youngs recognized the Education Advisory Board members for their accomplishments over the past two years.

**3C) Certificate of Appreciation to Cheryl Mulet in Recognition of her Service to the**

**Community as a Member of the Education Advisory Board (Requested by Vice Mayor Elza)**

Vice Mayor Elza presented a Certificate of Appreciation to Cheryl Mulet in recognition of her service to the community as a member of the Education Advisory Board for the past two years.

**3D) Distinguished Officer of the Month Award for May 2003 to Officer Charles D. Schubert and Officer Charlene M. Navarro (Requested by Police Chief H. Randall Dilling)**

Police Chief H. Randall Dilling presented the Distinguished Officer of the Month Award for May 2003 to Police Officer Charles D. Schubert and Officer Charlene M. Navarro for saving a person's life by foiling an attempt to commit suicide.

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Agenda Item 9G was discussed at this time.  
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**4. Open Forum:**

**River Cities Gazette Article**

Wallace Clark of 3760 N. E. 16<sup>th</sup> Terrace, Pompano Beach, stated that he has complained about the Letters to the Editor for years because many contain mistruths, lies and distortions and this is irresponsible, as well as damaging to the City. He credits the people who sign their letters even though they were poisonous to the community.

Mr. Clark said that one letter in particular that was printed last week was loaded with lies and accusations, which is easy to do when the name is withheld. He said the letter was ridiculous, mean spirited, and printing the letter was a disservice to the community. He urged the City Council to look out for the ethics and morals of this City and to denounce every ugly lie and rumor.

**River Cities Gazette Article/City Manager**

Former Councilwoman Helen Gannon of 219 Miami Springs Avenue expressed her appreciation to City Manager Maria V. Davis for doing everything possible for the City and for making the City Council a part of every decision. She stated that Ms. Davis never did anything illegal, she never spent any unauthorized funds, and that people who are spreading lies and rumors are not happy because the Golf Course Management Contract was separated.

Ms. Gannon said that at a public meeting, Councilman Caudle denounced an anonymous letter that was circulated throughout the City and then the letter was published in the River Cities Gazette,

which is a company the City pays for advertising. She emphasized that the letter was trash and the City should not continue to advertise in that newspaper.

Ms. Gannon said that during the election campaign, literature was placed in every Milam's Market grocery store bag stating that Helen Gannon disregarded the legal aspects of the City Code by voting in favor of granting a parking variance. She emphasized that she did not do anything illegal, it was a lie, and this is the type of harassment that is going on throughout the City.

Ms. Gannon urged the City Council to protect the City employees from the lies and rumors. She said that the City is losing Maria Davis in exchange for a person that is losing money at the Golf Course and that the City would never move forward until this type of behavior is stopped.

### **River Cities Gazette Article/City Manager**

Bob Calvert of 101 South Drive said that City Manager Maria V. Davis is the greatest and her leaving the City of Miami Springs is going to be a big loss. He added that the anonymous letter that was printed in the River Cities Gazette is trash, and that the policy of the paper should be that all letters to the Editor contain a signature and a telephone number.

### **River Cities Gazette**

Maria Diaz of 620 Plover Avenue expressed her disapproval about the unsigned letter that was published in the River Cities Gazette. She thanked Councilman Caudle, Councilman Youngs and Councilman Pacheco for wanting the best for the community and for listening to the residents. She praised Ms. Davis for her dedication and wished her well in her new job.

Ms. Diaz urged Council to set up a committee to review various City Manager applicants and not rush into choosing a City Manager that does not represent all the residents. She suggested that consideration be given to someone that speaks Spanish and this will enable the majority of the residents to voice their opinions.

### **Channel 18 Bulletin Board**

Former Councilwoman Marcia H. Fulton of 700 Swan Avenue stated that the Cable Access Channel broadcasts information regarding the City meetings, but they do not put the time of day when the Council meetings are aired. She would like the dates and times for all the meetings listed on the Bulletin Board on Channel 18.

### **City Website**

Former Councilwoman Marcia H. Fulton of 700 Swan Avenue stated that residents are having

difficulty accessing the agendas on the City's Website. She was informed that the Council agendas could be accessed through the City Clerk's page.

### **City Manager**

Former Councilwoman Marcia H. Fulton of 700 Swan Avenue said that she is not unhappy with the change in the City Manager's position because she was the only Council member that voted against City Manager Maria Davis last October during the Vote of Confidence, and she is looking forward to a change. She wished Ms. Davis well in her new position as City Manager of South Miami.

### **Public Services Director**

Former Councilwoman Marcia H. Fulton of 700 Swan Avenue stated that the City had hired a Public Works Director who was also an engineer and the idea was to avoid paying engineering fees to Post, Buckley, Schuh and Jernigan, Inc. She added that the employee left the employment of the City and that Denise Yoezle was hired and she is in the process of getting her credentials.

Ms. Fulton suggested that Council should look at this position during the budget process because Council approved a job description and a higher salary range for the Assistant Public Services Director, and they did not lower the salary range for the position of Public Services Director.

### **Golf and Country Club**

Former Councilwoman Marcia H. Fulton of 700 Swan Avenue said that it is her understanding from the discussion at the June 9, 2003 Council meeting that the Golf Course Food and Beverage operation is not working. She believes that the Rhodes Brothers were not given enough time to turn the operation around even though they were going in the right direction.

Ms. Fulton asked the City Council to look at the management model and to consider doing something different, without bringing back the consultant that was paid double the amount that Council authorized.

### **Financial Reports**

Former Councilwoman Marcia H. Fulton of 700 Swan Avenue stated that Council must get accurate financial numbers on a timely basis from the Finance Department. She was of the opinion that Council is making decisions based on incorrect information and that if Council is not getting accurate information, then they should consider someone else for the position of Finance Director.

### **City Manager**

Jean Tucker of 141 Hibiscus Drive thanked City Manager Maria V. Davis for leaving behind a

legacy that she should be proud of. She said that it is not Council's position to criticize, humiliate and disrespect other members of the City Administration. She referred to negative comments made by the City Council that were printed in the River Cities Gazette, which she felt should have been left unsaid.

Ms. Tucker stated that City Manager Maria V. Davis is an employee of the City, she was hired by the City Council and she deserves Council's respect. She urged Council to stand up for the employees and to stand up for what is right.

### **River Cities Gazette**

Dona Kelley of 830 Swan Avenue said that the River Cities Gazette is the main source of the local news and issues, they have a responsibility to the citizens of Miami Springs, and this responsibility was severely compromised by publication of a disgusting letter. She was of the opinion that the Editor flouted his own rule of editing letters for errors of fact and forced it upon the community.

Ms. Kelley believes that Council should take action in the form of a resolution condemning the publication of the anonymous letter, and requesting that the Editor of the Gazette and the River Cities Gazette be the conscientious press that the City deserves.

## **5. Approval of Council Minutes:**

### **5A) 05/15/2003 - Town Hall Meeting**

Minutes of the May 15, 2003 Town Hall meeting were approved as written.

**Councilman Pacheco moved to approve the minutes as written. Councilman Youngs seconded the motion, which carried unanimously on roll call vote.**

### **5B) 05/19/2003 - Workshop Meeting**

Minutes of the May 19, 2003 Workshop Meeting were approved as written.

**Councilman Caudle moved to approve the minutes as written and Councilman Pacheco offered the second. On roll call vote, the motion carried unanimously.**

### **6A) 05/21/2003 - Education Advisory Board - Minutes**

Minutes of the May 21, 2003 Education Advisory Board meeting were received for information without comment.

**6B) 05/22/2003 - Code Review Board – Minutes**

Minutes of the May 22, 2003 Code Review Board meeting were received for information without comment.

**6C) 06/12/2003 - Board of Parks and Parkways – Minutes**

Minutes of the June 12, 2003 Board of Parks and Parkways meeting were received for information without comment.

**6D) 06/19/2003 - Historic Preservation Board - Cancellation Notice**

Cancellation Notice of the June 19, 2003 Historic Preservation Board meeting was received for information without comment.

**6E) 06/24/2003 - Ecology Board – Cancellation Notice**

Cancellation Notice of the June 24, 2003 Ecology Board meeting was received for information without comment.

**7. Public Hearings:**

**7A) Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Amending Code of Ordinance Sections 31.11 (C)(1), Delegation of Purchasing Authority; by Providing for the Involvement and Assistance of the City Purchasing Agent in Authorized City Manager Purchases and by Adjusting the Purchase Authorization Amount Provided for Lower Level Purchases; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 6/9/2003 - Advertised: 6/11/03)**

City Attorney Jan K. Seiden read the ordinance by title.

Mayor Bain opened the public hearing.

Former Councilwoman Marcia H. Fulton of 700 Swan Avenue urged Council to consider the dollar amount of the City Manager's purchasing authority and to stay on top of the issues. She said that this is not a personal attack against City Manager Maria V. Davis because she is leaving the City, and Council can now address the issue of whether they feel the \$10,000.00 limit is appropriate.

There were no additional speakers, and Mayor Bain closed the public hearing.

**Councilman Caudle moved to approve the ordinance on second reading, and Vice Mayor Elza seconded the motion.**

Vice Mayor Elza stated that the adoption of this ordinance would allow a process of checks and balances, and Council would be assured that three quotations are obtained for all purchases.

Councilman Pacheco explained that the ordinance provides for checks and balances by adding another person to the purchasing process. He said that the research and information provided from other cities shows that lowering the purchasing authority would bog down the process and the City Council must have trust in the City Manager.

**On roll call vote the motion carried 4-1 with Mayor Bain casting the dissenting vote (Ordinance No. 898-2003).**

**7B) Second Reading - Ordinance - An Ordinance of the City Council of the City of Miami Springs Granting to Florida Power & Light Company, its Successors and Assigns, an Electric Franchise; Imposing Provisions and Conditions Relating Thereto; Providing for Monthly Payments to the City of Miami Springs, Florida; Repealing all Ordinances or Parts of Ordinances in Conflict; Effective Date (First Reading: 6/9/2003 - Advertised: 6/11/2003)**

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden explained that this is the renewal of the existing 30-year franchise agreement with Florida Power and Light Company that is about to expire. He said that the ordinance would provide additional revenues to the City amounting to approximately \$40,000.00.

City Manager Maria V. Davis asked Council to table approval of the ordinance until she has an opportunity to speak with the representative from Florida Power and Light Company. She explained that she has received additional information that she would inform Council about and second reading of the ordinance could be scheduled for an upcoming meeting.

Mr. Eloy Villasuso of Florida Power and Light Company stated that Florida Power and Light Company only accepts the ordinances at the end of each month, and if Council does not approve it now, then it could not be accepted until the end of July.

Ms. Davis asked if the City Council approved it at the Special meeting scheduled for June 30, 2003 if this would allow enough time for Florida Power and Light to accept it this month.

Mr. Villasuso stated that in order for the ordinance to be accepted this month, it must be approved by June 27, 2003.

Councilman Caudle asked if the City Manager is concerned about the potential contract because it is a 30-year agreement.

Ms. Davis said that new information was brought to her attention about the franchise and she would rather delay the approval one month because it is a 30-year agreement.



Mr. Villasuso stated that he was disappointed that he was not told about the problem so it could have been taken care of prior to this meeting. He offered to meet with the City Manager to work out an agreement.

Attorney Seiden advised the Administration that the notice of public hearing must be re-advertised before the next second reading.

To answer Councilman Pacheco's question, Ms. Davis said that she is asking Council to table the second reading of the ordinance because she has acquired new information that could be beneficial to the City.

**Vice Mayor Elza moved to defer this item and Councilman Caudle offered the second.**

Council agreed that the second reading of the ordinance and public hearing would be scheduled for the July 14, 2003 Special Meeting.

**On roll call vote, the motion was unanimously carried.**

**8. Consent Agenda: (Items 8A and 8B simultaneously approved)**

**8A) Recommendation for Change Order No. 1 to Purchase Order No. 022712 (Awarded to One Two Tree, Inc. by Council on September 23, 2002 for Tree Removal and Clearing), for the Removal of Trees and the Clearing of Shrubs on North Royal Poinciana Boulevard Bike Path, Utilizing the City of Miami Springs Bid # 5-99/2000 in an Amount Not to Exceed \$25,000.00 (Requested by Public Services Director Denise Yoezle)**

Jack Odin of 1295 Thrush Avenue asked if the trees would be removed along the existing bike path or the new bike path.

City Manager Maria V. Davis confirmed that the trees would be removed in order to pave the new bike path.

**Vice Mayor Elza moved to approve the consent agenda, and Councilman Pacheco seconded the motion, which carried unanimously on roll call vote.**

**8B) Recommendation that Council Approve the Fourth of July Fireworks Contract with Firepower Displays Unlimited, in the Amount of \$10,000.00, Utilizing City of Homestead Bid # 200105 (Requested by Parks and Recreation Director Alan Ricke)**

There was no discussion regarding this item.

**Vice Mayor Elza moved to approve the consent agenda, and Councilman Pacheco seconded the**

**motion, which carried unanimously on roll call vote.**

**9. Old Business:**

**9A) Appointment to the Historic Preservation Board by Vice Mayor Elza (Group I), for a 3-year Term Ending on February 28, 2006**

Vice Mayor Elza (Group I) **deferred** his appointment to the Historic Preservation Board.

**9B) Appointment to the Golf and Country Club Advisory Board by Vice Mayor Elza (Group I) for an Unexpired Term Ending on July 31, 2003**

Vice Mayor Elza (Group I) appointed Dr. Charles James to the Golf and Country Club Advisory Board for an unexpired term ending on July 31, 2003.

**9C) Appointment to the Code Review Board by Councilman Pacheco (Group III) for an Unexpired Term Ending on April 30, 2004**

Councilman Pacheco (Group III) **deferred** his appointment to the Code Review Board.

**9D) Appointment to the Civil Service Board by Councilman Caudle (Group II) for a Full 3-year Term Ending on June 30, 2006**

Councilman Caudle (Group II) **deferred** his appointment to the Civil Service Board

**9E) First Supplemental Agreement to the Interlocal Agreement for Public School Facility Planning in Miami-Dade County (Requested by City Planner Richard E. Ventura)**

City Planner Richard E. Ventura stated that this is a request to approve the first supplemental agreement to the previously adopted Interlocal Agreement that was approved by Council on February 5, 2003.

Mr. Ventura said that any supplemental agreement that is brought up by one of the municipalities in Miami-Dade County must be offered to all the municipalities for their consideration and participation.

Mr. Ventura stated that the supplemental agreement addresses staff working groups and workshops, and it would ensure representation and safeguard the interests of the City of Miami Springs.

Attorney Seiden advised Council that it would appropriate for Council to approve the supplemental

agreement to be consistent with the other municipalities. He said that the agreement is mostly procedural, it deals with meetings and representation at various levels, and it should help make the process more effective.

Mr. Ventura added that the City Planner is the designated representative to the Planner's Technical Committee, which is the focus group for discussion of this agreement. He said that by attending these meetings, that this would allow him to make sure the City's interests are safeguarded.

**Councilman Caudle moved to approve the supplemental agreement and Councilman Youngs seconded the motion. On roll call vote, the motion was unanimously carried.**

**9F) Recommendation for Council to Consider the Recommendations of the Parks and Parkways Advisory Board to Revise the City's Tree Ordinance (Requested by Public Services Director Denise Yoezle)**

Jack Odin of 1295 Thrush Avenue asked if the City is going to implement a program to remove all of the black olive trees and if the homeowners would be mandated to remove trees on their property.

City Manager Maria V. Davis stated that the black olive tree removal process would take many years and the intent is not to wipe out the tree canopy. She said that it would not be mandatory for the homeowner to remove trees on their property.

Public Services Director Denise Yoezle stated that she strongly supports the recommendation of the Board of Parks and Parkways to reduce the burden on the residents for the removal of black olive trees, many of which are a nuisance. She explained that the City has one of the most restrictive tree protection ordinances in the Country and it allows the City to achieve the status of "Tree City USA" every year.

Ms. Yoezle said that many residents are desirous of removing black olive trees either on their private property or in the City swale area, they are very resistant to having to pay for the removal, and this is a recommendation to reduce the mitigation fee. She proposed that no more than twenty trees would be removed within a fiscal year, and they would be replaced as part of the annual street tree-planting program.

For trees on private property, Ms. Yoezle explained that the resident would pay for removal and disposal of the tree, but the mitigation would be reduced by 50%. The City would bear the cost of removal and disposal if the tree is on City property, the mitigation would be 50%, and there are funds available in the Tree Trust Fund that could be used toward this program.

Mayor Bain asked how much the residents have to pay to remove black olive trees if they are located in the swale.

Ms. Yoezle said the mitigation cost for the homeowner is currently \$200.00 per tree and this would

be reduced to \$100.00.

Mayor Bain said that he could not understand why the resident should have to pay if they did not initiate the planting of the black olive trees.

Ms. Davis stated that the tree ordinance provides that residents must bear the cost of the tree removal from the City swale and they must also pay for the mitigation, which is a formula that was set by the Department of Environmental Resources Management (DERM). She explained that the recommendation of the Board of Parks and Parkways relaxes the burden on the resident because the City is taking on the cost of the tree removal and disposal. In the past, the mitigation costs alone were approximately \$400.00 to \$600.00 in addition to the tree removal cost.

Councilman Caudle was of the opinion that the City should waive the mitigation costs for the resident because they did not initiate the planting of the trees that are causing the damage to the sidewalks and personal property.

Vice Mayor Elza said that the City does not have an unlimited budget to pay for tree removal.

Ms. Davis urged Council to limit the removal to twenty per year because the City would probably receive 1,000 calls to remove black olive trees from public property.

Ms. Yoezle stated that she could understand Council wanting to remove the cost to the resident, however, the City does not have unlimited funds and assistance from the residents is necessary to defray the cost of the tree removal. She added that approximately eighteen residents who want trees removed are waiting to see if Council approves the reduction of the mitigation cost.

Vice Mayor Elza asked if there would be restrictions as to how many trees would be removed from one geographical area.

Ms. Yoezle said that the Public Works Department would survey the extent of the damage and make sure the trees are removed for a good cause.

To answer Vice Mayor Elza's question, Ms. Yoezle explained that the resident is not required to pay for the cost of tree replacement when a tree is removed.

Councilman Youngs stated that the recommendation of the Board of Parks and Parkways is a good compromise to remove a nuisance tree without sacrificing the City's tree canopy. He supports the recommendation with the guidance of Public Services Director Denise Yoezle.

**Vice Mayor Elza moved to approve the recommendation of the Board of Parks and Parkways to amend the tree ordinance and Councilman Pacheco seconded the motion.**

Mayor Bain asked what sections of the tree ordinance would be amended.

Attorney Seiden said that there are two sections of the ordinance dealing with the removal of black

olive trees on private property and on the City's right-of-ways.

Ms. Yoezle clarified that for trees on private property, the homeowner must pay for the tree removal and disposal, but the mitigation would be reduced by 50%. She said that the Public Works Department would determine if the tree is causing damage.

**On roll call vote, the motion was unanimously carried.**

**9G) Consideration of Hiring a Lobbyist to Assist with the Annexation Process (Requested by Council)**

City Attorney Jan K. Seiden stated that per Council's direction at the last meeting, he secured a listing of registered lobbyists from Miami-Dade County. He explained that he pared the list down to three individuals through recommendations from business leaders in the community.

Attorney Seiden said that he contacted Attorney Jorge Luis Lopez at Steel Hector and Davis who is represented by Valeria Screen because he was unable to be present. He reminded Council that the process to secure a lobbyist began last Tuesday, and there was very short notice to the candidates.

The second group, headed by Sergio Pereira, former County Manager, is present to make a presentation and his resume was presented to Council for review. Attorney Seiden also contacted Armando Gutierrez but apparently there was not enough time for him to submit a proposal for this evening's meeting.

Attorney Valria Screen, of Steel Hector and Davis was present on behalf of Jorge Luis Lopez, the Supervising Partner of the Government Affairs Group. She advised Council that they would be the best advocates for the citizens of Miami Springs when dealing with the elected officials of the County. Ms. Screen said that if Council decides they would like assistance with annexation in walking through the very complicated process before the Miami-Dade County Board of County Commissioners, that Steel Hector and Davis is ready to help the City in any way possible. Their experience is strong, having worked together as a group for three years, but in total having dealt with each other throughout the community for more than fifteen years.

Ms. Screen stated that Jorge Luis Lopez is a former Chief of Staff to Miami-Dade County Mayor Alex Penelas, and she is a former Chief of Staff to the Chairperson of the Board of County Commissioners. She pointed out that the annexation process could be very complicated because the County has a new County Manager, George Burgess, who is a former Budget Director and she is a former Budget Analyst for the County.

Ms. Screen commented that the City would be dealing with Mr. Jose "Pepe" Diaz, Chairperson of the Annexation and Corporation Committee, Commissioner Jimmy Morales, Chairperson of the Budget and Finance Committee and eventually the full Board of County Commissioners. She explained they would walk the City through the process, attend meetings, perform research, and get the job done.

Sergio Pereira, President of Meridian International Group, 3399 S. W. 3<sup>rd</sup> Avenue, stated that he would make a brief presentation on the City's efforts to annex part of unincorporated Miami-Dade County. He said that Meridian International was formed fifteen years ago and he introduced his partners, who jointly, have fifty years experience in both the legislative and operational part of government. He said there are thirty steps required by Code to be followed as part of the annexation process, an additional twelve steps if successful, and they consolidated the Scope of Work into thirteen steps.

Mr. Pereira stated that annexation is a long and tedious endeavor and they are prepared to provide the necessary support to the City Administration and the City elected officials. He said that it would be their pleasure to work with the City if they are selected.

Councilman Caudle asked Mr. Pereira what period of time it would take to complete all forty-two steps in the annexation process.

Mr. Pereira said that he could not estimate the time, but most likely it would be a minimum of one year. Once the Code requirements are met, then the City must go through the Boundary and Finance Committees, which meet only once a month. He said that part of their work, if selected, would be to expedite the process.

To answer Councilman Caudle's question, Ms. Screen estimated the process would take approximately eight months. She explained that once they have a response from the planning agency, the Commission recesses for August, September is dedicated for the budget process and the process would begin October 1, 2003, and run through the summer in 2004.

Former Councilwoman Marcia H. Fulton of 700 Swan Avenue stated that it would be a good idea to hire a lobbyist, but that the City could not afford their services. She explained that paid lobbyists are worth their weight in gold, but they are very expensive, and there is nothing better than the City's elected officials talking directly with the County's elected officials.

Ms. Fulton felt the City should work through the Miami-Dade County League of Cities and the County Commissioners. She mentioned that the City was successful in annexing the Abraham Tract without the services of paid lobbyists.

Councilman Youngs asked the presenters to speak about other annexation experiences they might have or how annexation relates to their work experience.

Ms. Screen referred to their working experience with the City of Palmetto Bay and the Florida Power and Light Company. She said that their involvement dealt with making sure the Cutler Ridge plant was a facility of metropolitan significance and that Palmetto Bay did not have the opportunity to take that piece of property and add it to their tax base. Ms. Screen explained they were successful in their effort and Florida Power and Light is pleased with their representation.

With respect to the new City of Miami Gardens, Ms. Screen said that she was very involved in the

incorporation process, which moved very quickly with the support of the community.

Mr. Pereira stated that Meridian International worked directly with the annexation of Deering Bay for the City of Coral Gables three years ago, and they also represent a citizens group in the Redlands who are against incorporation.

Mayor Bain mentioned that he spoke with County Commissioner Rebeca Sosa and she is of the opinion that the elected officials should work together and there is no need for a lobbyist. He felt the City Council, City Manager and City Attorney should work together with the County Commissioners.

To answer Councilman Caudle's question, Attorney Seiden advised him that he would not have to abstain from voting because he personally knows Sergio Pereira.

Councilman Caudle said that annexation is an important issue for the City in order to increase the tax base, and the City Council needs the assistance of a lobbyist.

Vice Mayor Elza agreed that the City needs a lobbyist whose services would be used on an "as needed" basis to direct the City through the annexation process, which is very important for the future of the City. He believed the services would be limited, and that the City Council is only considering the hiring of a lobbyist to represent the City.

Attorney Seiden stated that the proposals from both firms detail the hourly rates, blended hourly rates, monthly rates and retainers. He said that both firms expressed a willingness to cooperate and negotiate with the City. If there were a consensus from Council to move forward, then the next step would be to negotiate with the successful group. He said that there was no other discussion regarding the lobbyist aside from the fact that they would be used for the annexation process. The City has a consultant who will be working with the City in the process, and the lobbying would be limited to dealing with the contacts that are needed to progress with the annexation issues.

Vice Mayor Elza asked if the City Manager would be the one to select the lobbyist or if it would be Council's decision.

Attorney Seiden suggested that Council could rank the candidates and the City Manager would negotiate.

Vice Mayor Elza said that it is very difficult for Council to evaluate and rank the candidates with such short notice. He suggested that Council should have more time to make a decision.

Attorney Seiden stated that assuming that Council passes the annexation ordinance on first reading, there would be a need for a special meeting in early or mid July and this would allow Council time to evaluate the lobbyist.

Councilman Pacheco agreed there is no need to make a decision tonight, but obviously everything else related to annexation needs to move forward.

Attorney Seiden stated that the selection of the lobbyist could be carried forward and in the interim, Council could direct any questions to him and he would forward them to the applicants for a written response.

Councilman Caudle said there is no need to go further without the consensus of Council.

Councilman Youngs said that because of the tax base and the high millage rate, that annexation is the issue for Miami Springs for the next ten to thirty years, and it is incumbent upon the City not to miss this opportunity. He agreed with Vice Mayor Elza and Councilman Caudle that the City should use every resource and to do everything possible to be successful in the annexation process.

Councilman Youngs commented that the Town of Medley has a powerful lobbyist, there are many powerful people involved in the mix and the City Council needs advice. He felt that the tax benefit would be worth the investment in a lobbyist.

Councilman Youngs said that he was grateful that Ms. Screen and Mr. Pereira agreed to make their presentations on such short notice, but that he could not make a decision at this point.

Councilman Pacheco said that he would be inclined to hire a lobbyist but he would like to review the information, and perhaps someone else would respond.

Attorney Seiden explained that if Council directed him to contact other lobbyists he would do so.

Councilman Pacheco asked the City Attorney if he knew of another lobbyist.

Attorney Seiden said that he spoke with Armando Gutierrez and he assumed that he would be willing to make a presentation and to provide a resume. He asked Council if they wanted him to pursue this, or if they feel they have enough to choose from with the two candidates.

Vice Mayor Elza believed the two candidates expressed their interest by appearing before Council this evening and they are both very capable. He would like to consider these two firms and proceed ahead.

**Vice Mayor Elza moved to defer the selection of the lobbyist until the second reading of the ordinance of the annexation in July and that the two parties, Steel Hector and Davis and Meridian International Group should be a part of that meeting. Councilman Pacheco seconded the motion.**

Councilman Caudle felt it was important to note that four Council members agree the City should hire a lobbyist.

Vice Mayor Elza explained his motion is that these two firms would be the candidates for Council to



consider at the Special meeting in July.

Councilman Youngs said that Council would make a selection in July, but now Council is making a decision to hire a lobbyist.

**The motion and the second to the motion on the floor were withdrawn.**

**Vice Mayor Elza moved to hire a lobbyist to assist the City on an as needed basis, to represent the City in the annexation process, and the selection of one of the two candidates would be made at the meeting when Council approves the annexation ordinance on second reading. Councilman Youngs seconded the motion.**

Councilman Pacheco clarified that his inclination is to hire a lobbyist, but he would like to review the information and he could change his mind after further review.

Councilman Caudle stated for the record that no final decision has been made.

Mayor Bain asked for clarification if the City is going through the process of hiring a lobbyist.

Vice Mayor Elza suggested that there is only one motion about the lobbyist to assist the City with the annexation.

**Vice Mayor Elza withdrew the motion on the floor and restated the following motion:**

**Vice Mayor Elza moved that the City of Miami Springs employ a lobbyist to assist with the annexation process and Councilman Youngs seconded the motion. On roll call vote, the motion carried 3-2 with Councilman Pacheco and Mayor Bain casting the dissenting votes.**

**Vice Mayor Elza moved that Council consider hiring one of the two candidates for a lobbyist at the meeting when Council considers the second reading of the annexation ordinance.**

Councilman Youngs stated that he could not second the motion, because he is not close to deciding who should be considered for the lobbyist position. He suggested leaving the door open to consider other candidates. He explained that he does not have any preconceived ideas as to the person Council would choose, but it seems that it is not a requirement to decide to limit the candidates to the two firms.

**Vice Mayor Elza said that he would amend his motion as Councilman Youngs stated.**

**Attorney Seiden stated that Council does not really need a motion.**

Mayor Bain said that Council would consider as many candidates that are willing to be present at the meeting in July.

Attorney Seiden explained that he would give the list of registered lobbyists that he secured from

Miami-Dade County to the City Clerk, she would provide a copy to the City Council and he would be glad to call anybody that Council would like to have in attendance the next meeting. He tried to find people who have a good reputation in the community and a good background in government. He agreed to leave it wide open and he would contact anyone that Council directs him to.

Vice Mayor Elza suggested a cut-off date for submitting proposals.

Attorney Seiden suggested July 1, 2003 as the cut-off date for the submission of the proposals.

Vice Mayor Elza would like to have enough time to read the proposals before the next meeting. He mentioned that tonight Council walked in and found the proposals on the table.

Attorney Seiden said that with all due respect to everyone, the lobbyists have to check to make sure they do not have potential conflicts of interest, and it is not easy because there are sometimes overlapping issues and representations. Before they can submit a proposal, they spend an extensive amount of time going through their files and these two firms have an extensive list of clients.

Councilman Caudle stated that there have been two or three times recently when Council discussed an item and could not come to a conclusion. He felt that proposals have been submitted from two outstanding lobbyists, the City Attorney called others that did not respond, and he would like to make a decision and be ready to move forward with the annexation process.

City Manager Maria V. Davis said Council directed the City Attorney to look for professional lobbyists and she took the liberty of contacting former Mayor Richard Wheeler who was very involved in the annexation discussions with the various committees. She explained that Mr. Wheeler would be willing to assist the City, free of charge, and Council could consider this as a possible option.

Mayor Bain suggested that if Council wanted to consider Richard Wheeler then he could also make a presentation at the July meeting.

#### **10. New Business:**

##### **10A) Recommendation to Approve an Interlocal Agreement Between the Village of Virginia Gardens and the City of Miami Springs Pertaining to the Collection of Sewer Fees for Customers Residing in the Village of Virginia Gardens (Requested by Council)**

City Manager Maria V. Davis stated that the City supplies sewer service to approximately 500 accounts in Virginia Gardens and generally when accounts are not paid the City can turn off the water service until the delinquent bill is satisfied. She explained that the City does not have this ability in Virginia Gardens and the City has incurred significant financial liability.

Ms. Davis said that the Finance Director and City Attorney have been diligent in trying to collect the delinquent accounts but it would be in the City's best interest to adopt an Interlocal Agreement with Virginia Gardens. After meeting with Virginia Gardens Mayor Paul Bithorn to discuss various options, Ms. Davis said they reached an agreement whereby if the City has a delinquent account in

Virginia Gardens, upon notification from the City, the Village of Virginia Gardens would turn off the water to the facility until such time as the City is paid. Ms. Davis explained that the City follows this procedure for delinquent accounts within the City, and now Virginia Gardens would agree to do this.

Councilman Caudle asked if the Virginia Gardens Council has voted to approve this agreement.

Ms. Davis stated that the ordinance was presented to the Virginia Gardens Village Council.

Attorney Seiden said that one of the conditions of the agreement is that Virginia Gardens would enact an ordinance that would permit them the same authority that Miami Springs has to turn off the water. Originally, the City offered to make Virginia Gardens' water customers Miami Springs' water customers and to reimburse them for all charges, but they said they would rather be in charge.

To answer Councilman Pacheco's question, Ms. Davis stated that the agreement would affect mostly the commercial office buildings and apartments.

Councilman Pacheco said that the City must implement a monthly procedure to communicate with Virginia Gardens and insure that the delinquent accounts are turned off.

**Councilman Pacheco moved to approve the Interlocal Agreement and Councilman Caudle seconded the motion. On roll call vote, the motion was unanimously carried.**

#### **10B) Discussion Regarding the Downtown Committee (Requested by Councilman Pacheco)**

Attorney Seiden advised Council that the City Manager has directed that all future meetings of the committee will be noticed and open for public participation, which should address the concerns raised by Vice Mayor Elza.

Vice Mayor Elza said that Council should also discuss the structure of the Committee so that the entire community is represented.

**Vice Mayor Elza moved to defer discussion until the next meeting in August. Councilman Pacheco seconded the motion, which carried 4-0 on roll call vote (Councilman Caudle was absent at roll call).**

#### **10C) First Reading - Ordinance - An Ordinance of the City Council of the City of Miami Springs; Initiating and Requesting a Boundary Change, by Annexation, for the City of Miami Springs of Certain Identified and Specified Contiguous and Adjacent Unincorporated Areas of Miami-Dade County; Providing City of Miami Springs City Council Approval; Delineating the Requested Annexation Boundary Change by Miami-Dade County; Authorizing all Appropriate and Consistent Actions by City Officers, Officials, and City Council Members; Directions to the City Clerk for Actions Required by this Ordinance; Repealing all Ordinances**

## **or Parts of Ordinances in Conflict; Effective Date (Requested by Council)**

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden stated that adoption of the ordinance is one of the requirements to begin the annexation process. Within the body of the ordinance, it refers to a legal description as Exhibit "A" and a map that is attached as Exhibit "B" and there are issues regarding these exhibits that Council must discuss at this meeting or a subsequent meeting. He explained that there are some issues regarding the boundaries for the Florida East Coast Railroad (FEC) property and how it would be included or excluded, which is a decision that Council has to make.

Attorney Seiden said that copies of Section 20-3 of the County Code were provided to the City Clerk and Administration, which specifies the type of notice requirements that the City must provide in order for the ordinance to be effective insofar as the County is concerned. This requires a publication for a public hearing, which would be the second reading, and also for the mailing of notifications to property owners within the affected area and within 600 feet of the affected area.

Attorney Seiden advised Council that they must make a decision regarding the filing of the application and give direction to the consultants. Council must also make a decision as to representation of Council at the various functions and arrange for cooperative meetings with the other municipal governments that are involved in the annexation process to see if an agreement can be reached prior to or during the annexation process. Council would then make a decision as to whether or not to hire a lobbyist, and the lobbyist could be one of the two people that made presentations to Council, or they could find someone else.

Attorney Seiden recognized the presence of Joseph Corradino of The Corradino Group and Neisen Kasdin, who is the attorney for the FEC Railroad.

Attorney Seiden explained that there have been internal discussions regarding the excepting out of the annexation area of the FEC property. The FEC Railroad has requested that the County declare their area, which is adjacent to the City, as an area of regional impact.

Attorney Seiden stated that certain questions were raised regarding the legal description and exact boundaries, which must be set, and hopefully Staff will be able to do this with the surveyors, the assistance of the FEC Railroad, and Mr. Corradino before the second reading of the ordinance.

Mayor Bain requested that the City Attorney provide a checklist outlining everything that must be done to get the annexation process started.

Attorney Seiden asked when Council would like to file the City's application.

**By consensus, Council agreed that the application should be filed as soon as possible.**

Attorney Seiden explained that the City of Miami Springs must have discussions with the other

municipal governments that are vying for the same area, and there was a question of whether these discussions should take place prior to the filing of an application or afterwards. He suggested moving forward before the discussions take place, and the City could amend the application at some point in the future, if needed.

City Manager Maria V. Davis recommended moving ahead because the County Planners must review the City's application.

Dona Kelley of 830 Swan Avenue asked if an answer was received to Vice Mayor Elza's question about the plans for a future Expressway that would cross through Section "B". She asked if there would be a future liability to the City for toxins or groundwater contamination that might be found in Section "C", which is designated a landfill.

City Planner Richard E. Ventura stated that there are plans to construct an inter-connector from the Earlington Heights Tri-Rail station to the Miami Intermodal Center (MIC), and that he provided the engineering studies to The Corradino Group for their analysis.

Vice Mayor Elza stated that Florida Department of Transportation Secretary Jose Abreu sent a letter to the County Manager concerning the MIC. If the County does not move forward, the funding for the MIC could be dropped until 2010. He said that the Mayor of Hialeah expressed his unhappiness to the Miami-Dade County Commission because many businesses were removed and now there might be vacant land until the year 2010. The County has slowed the expansion of the Miami International Airport and the construction of the MIC.

Mayor Bain suggested moving forward with the application and he suggested that the City could pull out of Section "B" later.

Attorney Seiden said that he does not have any information on the landfill, but he would imagine that the Department of Environmental Resources Management (DERM) would have full control over the landfill.

Ms. Davis added that DERM has full control over the landfill, which is inspected regularly.

Councilman Youngs referred to the civil or municipal liability for the landfill on private property and said the clean up costs are not borne by the municipality.

Attorney Seiden said that municipalities do not have a DERM department and they should not be charged with the responsibility of dealing with environmental issues. He said that the local, state and federal governments take care of these issues, but this is something that can be determined later as part of the investigation process.

Councilman Youngs said that the answer to the question of whether Section "C" should be included in the application is "yes", and it is apparent that Section "B" might be a tax loser and the City should negotiate more of Section "C" to make up for the loss.

Attorney Neisen Kasdin of 2 South Biscayne Boulevard, representing the FEC Railroad, owner of the Hialeah Rail Yard, which is due west of Miami Springs, spoke about the reasons for excluding the railroad parcel from the annexation petition.

Mr. Kasdin said the Hialeah Rail Yard is an island, and in terms of financial impact to the City of Miami Springs, this property is tax exempt and there is and can be no revenue to the City by including this property within the City's corporate limits. To the contrary, there is some legal obligation to provide services and the capability of services to this property if it is within the City limits. As long as the property is used for railroad purposes, there is no benefit to be gained financially and possibly, it could be detrimental to the City.

In addition, this property is also exempt from substantially all local regulation, according to Mr. Kasdin. He said that the Federal Railway Administration governs the use of this property and all activities related to railway use. In fact, the railroad is so independent, they have their own police force. Mr. Kasdin explained that the property is surrounded by a canal, and it is virtually unconnected by roads and services.

Mr. Kasdin displayed the Miami-Dade County Land Use Map showing the designation of the Hialeah Rail Yard, which is exactly the same as Miami-International Airport, Opa Locka Airport, Tamiami Airport and the Port-of-Miami. He explained the rail yard is a transportation hub that is recognized in the County's Comprehensive Plan, and there is no other use to be made of this facility. This is the critical rail hub for all of Miami-Dade County and Southeast Florida and all kinds of goods are sent by rail to this County.

Mr. Kasdin stated that there are many reasons why maintaining this property as part of unincorporated Miami-Dade County is totally consistent with the County's policy on annexation and incorporation. He referred to Section 20-7 (A) (1) of the County Code, stating that the suitability of the proposed boundaries in conjunction with the existing municipality should provide for a municipal community of interest that is both cohesive and inclusive. Mr. Kasdin said that the use of this property is in no way consistent with anything that takes place in Miami Springs or the surrounding areas, with the exception of Miami-International Airport.

Mr. Kasdin referred to Section 20-30 (B) (2) of the County Code, which provides that the annexation area be compatible with existing plan uses and zoning of the municipality to which the areas are proposed to be annexed. He concluded that the Hialeah Rail Yard is totally incompatible with uses of Miami Springs and the land immediately west.

Mr. Kasdin further explained that the County Comprehensive Master Plan designates the use of the property for transportation. The major components of Dade County's existing and future transportation network include roadways, rapid transit corridors, railways, airport terminals and the seaport. For all of these reasons, the rail yard fits within the County policy of remaining unincorporated Miami-Dade County.

Mr. Kasdin said that discussions with the City Attorney, the Administration, and members of Council regarding the request have been received favorably in terms of what they are seeking. He advised Council that the railroad has pledged that if the rail yard is not incorporated within the City of Miami Springs, that the railroad would use its resources to advocate the City's annexation of the lands due west of the rail yard up to State Road 826 (Palmetto Expressway).

Councilman Youngs asked if this would hinder the City's plan for annexation of the area east of the Palmetto Expressway in regard to contiguity.

Mr. Kasdin said that they spoke with a number of the County Commissioners and there is no true issue with respect to contiguity because the N. W. 36<sup>th</sup> Street flyover must be crossed to get to anything. Although state law does not require contiguity for a municipal government, they have met with members of the County Commission and they have indicated that they would look favorably to Miami Springs, the Railroad and Virginia Gardens, coming forward with an agreed upon plan for annexation.

To answer Councilman Youngs' question, Mr. Kasdin explained that the railroad property extends south to N. W. 25<sup>th</sup> Street.

Councilman Youngs asked Mr. Kasdin if he would work with the City Planner and City Attorney to make sure the City does not exempt out more land than what is included in the Hialeah Rail Yard.

Mr. Kasdin stated that he has requested a survey of the property and all the deeds conveying the property to the railroad to create the parcel, and that they would gather all the information and work with the City.

**Councilman Pacheco moved to exclude the FEC parcel from the annexation pending the correct legal descriptions to be included. Vice Mayor Elza seconded the motion.**

Councilman Youngs asked if there could be a joint venture agreement with the FEC because they have pledged their resources to help the City if the City excludes the rail yard from the application.

Attorney Seiden responded that there is no written document and the representation on the record by an attorney of Mr. Kasdin's character is generally sufficient. He explained that the FEC designation as an area of regional impact is well beyond the City's scope, it is certainly within the scope of the County Commission, and the County would exempt it out.

Attorney Seiden stated that they are trying to provide a united front so that the resources of the FEC Railroad and all their associate companies can be brought to bear on the County Commission to assist the City with annexation, and this is a valuable tool. He reiterated that Mr. Kasdin's reputation is impeccable in the community, he is the former Mayor of Miami-Beach, and based upon his comments on the record, this is enough to rely upon.

Councilman Youngs asked if the FEC Railroad is applying for a designation, or if there is some sort

of County resolution to designate it as an area of regional significance.

Mr. Kasdin stated that during the annexation process, the County Staff prepares a report, and in this report they list a series of findings and conditions. He said that the report would identify the FEC Rail Yard as an area of regional significance that deserves special protection and this report becomes part of the record and is reflected in the actual resolution that is ultimately adopted by the County Commission.

**On roll call vote, the motion was unanimously carried.**

**Vice Mayor Elza moved to approve the ordinance on first reading subject to preparation of an appropriate legal description that will be attached. Councilman Caudle seconded the motion.**

Per Council's request, Attorney Seiden will prepare an annexation checklist for the next meeting and Council will address those issues at that time.

Councilman Youngs asked if the boundaries for Section "B" were resolved.

Attorney Seiden stated that Mr. Corradino and the surveyors are reviewing the boundaries.

Councilman Youngs said that there are three boundaries that should be considered by Council and he would like to make this part of the record.

Councilman Youngs stated that in Section "B" the boundaries and legal description show 21<sup>st</sup> Street, and since part of the County requirement is to have natural boundaries, there is a canal south of this that separates a hotel and the Melreese Golf Course. He suggested the natural boundary would be to run to that canal and not just to the street, and that would pick up the other half of the Bertram Boat Yard all the way out to the Miami River. He asked if the boundaries could run south to the canal rather than to 21<sup>st</sup> Street because he would not want to leave a hiatus in between the City of Miami and the City property.

Vice Mayor Elza pointed out that the MIC would be located between 21<sup>st</sup> and 25<sup>th</sup> Street at Le Jeune Road.

Mr. Ventura said that as part of the contract with the surveying firm, J. F. Lopez, they would look at all legal boundaries and come back with a recommendation as to what the proposed boundaries should be. He asked them to address Councilman Youngs' concern about Section "B" and the other question about the southern boundary of Section "C".

Councilman Youngs explained that at one point, the southern boundary for Section "C" extended to State Road 836 and it was determined that the land was owned by Miami-International Airport and now it is defined as going south to 16<sup>th</sup> Street. He would like to clarify the description for the purposes of application and it should go south to the north boundary of Miami-International Airport.



There is a quarter section parcel south of 25<sup>th</sup> Street that goes into the airport that must also be clarified.

Councilman Youngs said that to the north of Section “C”, the northern boundary, instead of being the 21<sup>st</sup> Street Hialeah Expressway, it should be north of that to 74<sup>th</sup> Street, or the southern boundary of Medley. He pointed out that there is a piece of land north of the 21<sup>st</sup> Street connector and south of the Town of Medley.

Attorney Seiden explained that Council’s direction would be to extend the boundaries as far as possible in all directions. He stated that there is a memorandum from the City Planner to the Administration outlining Councilman Youngs’ concerns about the boundaries and a copy would be provided.

Attorney Seiden suggested that the Administration could get the answers from the surveyors and be prepared to address the issues at the time of the second reading of the ordinance.

**On roll call vote the motion was unanimously carried.**

**10D) Consideration of Various Proposed Uses for the People’s Transportation Tax Proceeds (Requested by City Manager Maria V. Davis)**

City Manager Maria V. Davis stated that the voters approved a half-cent transportation tax in November 2002.

Ms. Davis stated that the City would be receiving proceeds from this tax by the end of July, in monthly installments. She explained the estimated revenue to the City is \$360,000 to \$380,000 annually and the City is required by State Statute to identify a five-year plan, which is to be submitted to the Office of Miami-Dade County Public Transportation Management before June 30, 2003.

Ms. Davis presented recommendations and the project criteria for the possible uses for the proceeds of the transportation tax. She stated that she is proposing the development of a shuttle service for the residents of Miami Springs, which ties to revitalization, economic development, and it would enable residents without transportation to get around town.

Ms. Davis explained that the shuttle would be allowed under the guidelines of the transportation tax, including the expenses for the drivers, maintenance, and promotion. She said that the City is required by law to utilize 20% of the annual proceeds on mass transit. In addition, the Village of Virginia Gardens is interested in contributing their share of the transportation tax to the City of Miami Springs, which is approximately \$15,000, so they could share in the shuttle service.

Ms. Davis stated that the City’s underground wiring for the lighting system throughout the City is deteriorating, and the Public Services Director is recommending that the City embark upon a five-year program to replace the underground wiring and bring it up to code. The recommendation is to

allocate \$150,000 for the first year and \$200,000 per year thereafter to repair the streetlights.

Ms. Davis said that the Public Services Director has recommended the purchase of various pieces of equipment that are needed to maintain the streets, which is listed under the project criteria.

Ms. Davis added that South Drive is a major thoroughfare, the street lighting is inadequate, and Council could consider a four-year plan to install 25% of the lighting per year.

Ms. Davis explained that the traffic street markings throughout the City are faded and the Public Services Director has recommended a five-year plan to remark the streets and replace traffic signs.

Ms. Davis said that these projects are only suggestions and that she would need guidance from Council in order to submit the five-year plan to the County.

Vice Mayor Elza stated that he would like to determine a route and know more about the shuttle bus operation. He suggested a private company could be contracted for the first year to run a test to see how the shuttle bus works because it would be very disappointing to spend more than half of the tax proceeds the first year on the bus and the driver if it does not work out.

Vice Mayor Elza said that the streetlights in the City are very old and he would like to know if more efficient lighting is available that would not require the same amount of electricity. He explained that he does not disagree with the re-wiring, but he would like more input on the lighting efficiency.

Public Services Director Denise Yoezle stated that there are variations of ballasts and bulbs that could be put into the existing lighting fixtures, and the problem with the wiring is not that it is undersized, but that it is not enclosed in conduit, which presents a safety hazard.

Vice Mayor Elza said that he would like to address these questions before proceeding ahead and the shuttle van is a real issue.

Ms. Davis stated that the next agenda item is a recommendation for The Corradino Group to develop a transit plan. She explained that she was not proposing a charge for the shuttle and it would be a wonderful service for the residents that could also enhance revenue for the Golf Course by transporting people from the eleven hotels in the City to the Golf and Country Club facility.

Vice Mayor Elza was of the opinion that \$15,000 from the Village of Virginia Gardens is not enough to shuttle people to all of their businesses. He said the tax is paid by the people and there is no plan to upgrade the streets, and the Gas Tax proceeds are allocated for the Canal Street Streetscape project.

Ms. Davis mentioned that FEMA funds were acquired for eleven miles of street resurfacing due to the Flood of 2000. She said that the City held back on much of the paving pending the completion of infrastructure work and the streets are in good condition.

To answer Mayor Bain's question, Ms. Davis stated that if Council wishes to adopt the concept of a

shuttle service, that The Corradino Group would develop a strategic plan.

Councilman Youngs said that each municipality must spend 20% of the tax proceeds on mass transit or the funds revert back to the County, and the City Manager is proposing a shuttle service, which might be superfluous, but the focus should be on spending the 20%.

Vice Mayor Elza stated that the City Manager is proposing to spend 50% of the tax proceeds the first year to implement the shuttle service and he wondered what would happen if no one rides the van.

Ms. Davis said that the Recreation Department and the Senior Center have a definite need for additional vehicles. She added that the Rotary Club asked for mass transit for the elderly to take them on field trips.

Ms. Davis added that the shuttle bus could promote revitalization by bringing people to the businesses in the City.

Councilman Pacheco asked how restrictive are the rules on amending the plan.

Ms. Davis said that the plan can be amended and the Miami-Dade County Office of Transportation Management will advise the City if they agree or not.

Councilman Caudle asked if the transportation tax funds could be used to pay for an outside contractor to run the shuttle bus service.

Ms. Davis believed the funds could be used to pay an outside vendor.

Councilman Caudle commented that the bus could also be used by the Recreation or Senior Center when it is not operating the shuttle service. He likes the idea of transporting hotel customers.

Mayor Bain asked how long it would take for the City to receive a proposal from The Corradino Group if Council approves the request.

Mr. Corradino stated that first the five-year plan must be submitted to the County. He is an appointee to the CTAC, which is a Citizen's Transportation Advisory Committee, and he is closely involved in how the funds are allocated and spent by the cities and the County. The Office of Transportation Management is going to be in charge of making sure the funds are allocated correctly by the cities, and they are requiring a plan to make sure the cities have an idea as to how they would spend the money. Mr. Corradino explained that many communities are considering an attempt to bond with the dollars and they would get twelve times the annual amount for a more detailed plan.

Mr. Corradino said that the June 30<sup>th</sup> deadline to submit the five-year plan is an accelerated timeframe and all the cities are rushing to put together a quick plan. He explained that 20% of the tax proceeds must be spent on City transit, the funds could revert back to the County, or funds can be used to merge with another City's system. The requirements are that the funds must be spent on

operations, maintenance, capital equipment, or any of these items.

Mr. Corradino said that they would communicate with the City to determine what is perceived as a transit system and how it should operate by collecting data, considering different operating routes, and determining the size of the system. He said there are many different types of transit that the City could implement and they would help to design a system that fits the City's needs. Mr. Corradino explained there are different organizational alternatives and that the City may want to operate the system itself or it could be contracted out to a private operator, Miami-Dade Transit or the City of Hialeah.

Mr. Corradino stated that as part of the process, they would develop a plan to implement the transit system, design a marketing strategy, and set up performance measures to make sure the system is performing the way it should. He cautioned Council that transit is generally not a revenue generator and it is usually subsidized because it involves a quality of life issue. Mr. Corradino said that not many systems in the Country are profitable and as the traffic becomes more congested, this alternative is something that communities must consider to relieve the gridlock.

To answer Vice Mayor Elza's question, Mr. Corradino stated that the City's transit system could compliment the Metro-Dade Transit (MDT) Service but it could not duplicate the service. As the routes are defined, they would coordinate with the MDT transit planners because they have union issues.

Vice Mayor Elza asked what would determine who has the right to use the transit service.

Mr. Corradino explained that it would be hard to restrict the use of the bus to people from outside the community, and he would not recommend this. He said the designated route and stops would help to regulate the riders.

Vice Mayor Elza said that he was concerned about protecting the residential areas from outsiders that might have bad intentions.

Mr. Corradino said that the system would be a circulator system and it would not run from outside communities because that service already exists through MDT, and the bus would generally make loops within the City. He was of the opinion that the transit system would not increase crime or provide an access for more crime.

Councilman Caudle asked if the transportation must stay within the City of Miami Springs.

Mr. Corradino responded that the transportation does not have to stay within the City and it depends on the routes and operating agreements with other communities, and the service could extend to other cities if a partnership is developed.

Councilman Youngs said that the cross boundaries to consider would be the Hialeah Metrorail Station and the Miami Intermodal Center at the Airport. He asked if this would be acceptable as part of the City's service.

Mr. Corradino felt that it would be acceptable because this is a natural generator for transit, and the idea is to circulate between other modes of transportation and to provide another alternative to get to and from those modes.

Councilman Youngs said that competition would be allowed because there is also bus service from the airport to Downtown Miami Springs.

Mr. Corradino explained that some competition is allowed, there are sometimes disagreements over this, but it can be negotiated with the Miami-Dade transit planners.

Councilman Youngs asked if the plan could be amended from year-to-year or at any time if the revision is approved.

Mr. Corradino stated that he knew of no prohibition and it would be unfair to ask communities to produce a five-year plan on such short notice without allowing amendments.

Vice Mayor Elza asked Mr. Corradino when he would estimate the bus service to start.

Mr. Corradino responded that he could develop the plan within five months and then it would be up to the City to decide whether to expend the revenues and begin the service.

Councilman Youngs said that looking at the percentages, the shuttle would cost \$160,000 the first year, or approximately 44%, and in years two through five, the cost would be approximately 14% to 17% of the tax proceeds.

Vice Mayor Elza commented that there would also be expenses for fuel and insurance.

Mr. Corradino explained the purpose of the circulator study would be to consider all the expenses involved in owning and operating a transit system.

Vice Mayor Elza felt that if the City is not obligated to the bus service at this time that Council could approve the five-year plan so that it could be submitted to the County.

Councilman Youngs stated that he would not want the City to lose funds or have the funds revert back to the County. He said that if Council decides to amend the plan and not to approve the shuttle, then there could be another way to spend the funds that falls within the categories.

Mr. Corradino advised Council that the revenue is like a windfall because the community is being taxed and the County is giving a certain percentage back to the City. He said that it would be a shame to let the funds revert back to the County.

Vice Mayor Elza said that the City currently provides transportation service for the senior citizens.

Mr. Corradino pointed out that the City might want to utilize the proceeds to expand the current bus service.

**Vice Mayor Elza moved to approve the five-year transportation tax plan and Councilman Pacheco seconded the motion. The motion carried 4-0 on roll call vote (Councilman Caudle was absent at roll call).**

**10E) Recommendation of Award to the Corradino Group to Develop the Miami Springs Municipal Transit Plan in an Amount not to Exceed \$20,000, Utilizing Hialeah Contract # K 94-045 (Requested by City Manager Maria V. Davis)**

Discussion regarding this agenda item took place under Agenda Item 10D.

**Vice Mayor Elza moved to approve the award and Councilman Youngs seconded the motion, which carried 4-0 on roll call vote (Councilman Caudle was absent at roll call).**

**10F) Waiver of Plat Survey for Property at Thrush and Ludlam (Requested by City Planner Richard E. Ventura)**

City Planner Richard E. Ventura explained that the property has quite a history going back to 1996.

City Attorney Jan K. Seiden stated that the prior Council approved this transaction, and this is a request for Council approval of the Waiver of Plat survey, which was prepared by a licensed surveyor. The Zoning and Planning Board approved the Waiver of Plat at their meeting of April 2, 2003, and after Council gives their approval, it will go to the County for their approval, and a process will be worked out by which the City will be reimbursed the funds.

Mr. Ventura stated that on June 20, 2003, the City Attorney notified the adjacent property owners of the following:

1. They would need to secure a Waiver of Plat survey for the property transaction.
2. They should perform a title search of the property.
3. The City would be requiring repayment of its previously paid taxes on the property and reimbursement of all attorney's fees and engineering costs.

Mr. Ventura explained that the City has since received the owner's Waiver of Plat Survey, which was reviewed by Post, Buckley, Schuh and Jernigan, Inc. and the Zoning & Planning Board unanimously approved it on April 2, 2003.

**Councilman Pacheco moved to approve the Waiver of Plat Survey for the property at Thrush and Ludlam. Councilman Caudle seconded the motion, which carried 5-0 on roll call vote.**

**10G) Recommendation for Award to Post, Buckley, Schuh & Jernigan, Inc. for Construction Management Services for the Hook Square/Canal Street Streetscape Project in the Amount of \$25,504.00 (Requested by Public Services Director Denise Yoezle)**

City Manager Maria V. Davis stated that this is a recommendation for an award to Post, Buckley, Schuh & Jernigan, Inc. for construction management services for the Hook Square/Canal Street Streetscape project in the amount of \$25,504.00.

Ms. Davis explained that this is the last component for the Canal Street project and it covers the construction management services.

Noel Pereda of 111 Chippewa Street was disturbed that Council approved the Canal Street Streetscape Project for a total amount of \$360,000.00 and this is another request for an additional \$25,504.00. He said that the expenses are adding up to more than \$500,000 and that he would like to know when the spending would stop because the residents are paying the bills.

City Manager Maria V. Davis stated that the construction process includes the design phase, an award phase, and a construction management phase. She explained that many times the construction management is handled by City Staff, but due to the complexity of this project, and because the work involves water mains, drainage and electrical work, the Administration is recommending the award to Post, Buckley, Schuh & Jernigan.

Ms. Davis explained that the project was designed for two phases and Phase I includes the area from the incoming bridge east to Hook Square and the construction award was \$365,000.00. Phase II includes the area from that point at the outgoing bridge, beginning at Hook Square going down to South Royal Poinciana Boulevard and this phase totals \$175,000.00. She said that based on the available funds, the work was broken down into two phases.

Ms. Davis said that she has twenty years of experience and she understands the concept of phasing projects when funding is not available. She said there is nothing being hidden and she wished people would ask the appropriate questions instead of making allegations and assumptions that Staff is doing something wrong.

Mr. Pereda asked if the \$25,000 for the construction management fee is included in the total \$507,000.

Ms. Davis stated that the \$25,000 is in addition to the total cost.

Mr. Pereda asked if there would be an additional cost for the Phase II construction management.

Ms. Davis explained that there would also be construction management fees for Phase II.

Mr. Pereda was concerned about whose liability it would be if something goes wrong during the

construction.

Ms. Davis stated the fact is that construction never goes as planned, and that is the reason why a construction management firm is hired and in-house staff performs quality control. She would prefer to have an engineering firm to oversee the construction of this project.

Ms. Davis said that her goal, when she first took the position of City Manager, was to provide better communication to the community and this is the reason for the printed brochures and the cable access Channel 18. She felt that communication is the number one problem in the City, and people are making ignorant assumptions, but the City Staff is willing to work with the community to answer questions and provide accurate information.

Vice Mayor Elza stated that Council approved \$363,000.00 for the construction of Phase I and it was understood that it did not include the construction management fees for Post, Buckley, Schuh and Jernigan, Inc. He explained that Council has not awarded Phase II.

Ms. Davis clarified that funding is not available for Phase II and it will be up to the City Council and the City Manager to determine when the work will be done. She said that Council is aware of how much funding is needed, and it will be their decision to plan the budget accordingly.

Ms. Davis explained the construction management fee for Phase II is unknown at this time.

**Councilman Youngs moved to approve the award to Post, Buckley, Schuh & Jernigan, Inc. for construction management services. Councilman Caudle seconded the motion, which carried unanimously on roll call vote.**

Public Services Director Denise Yoezle stated that she spoke with Gus Quesada, Project Manager for the Florida Department of Transportation and Vice Mayor Elza was correct about the paving being included in the State's bridge renovation project. She advised Council that a meeting is scheduled, and they would determine the project limits and the amount to be deducted from this project.

#### **10H) Discussion Pertaining to the Selection Process of an Interim City Manager and Permanent City Manager (Requested by Councilman Pacheco)**

City Manager Maria V. Davis stated that at the time when Councilman Pacheco requested to place this item on the agenda, she had not yet made her decision to vacate the position of City Manager of the City of Miami Springs. Since then, she has made her decision to accept the position of City Manager with the City of South Miami, and Council must make a decision, and not just discuss the selection process.

Mayor Bain asked those persons who signed up to speak to please come forward.



Martin Marquez of 401 Hunting Lodge Drive stated that City Manager Maria V. Davis was the greatest and she would be missed. He commented that Council now has the task of hiring another City Manager and during the process, an interim City Manager must be selected, and his concern is that the decision might be political, and it could deter other qualified candidates. Mr. Marquez would like a full search of qualified candidates for the City Manager position and he would like that person to at least be able to speak Spanish.

Marlene Jimenez of 611 Plover Avenue would like Council to consider all outside candidates during the selection process for the new City Manager, and not to act too quickly by appointing someone who already is at City Hall. She said the new City Manager should be someone who is fair and should always make decisions that are in the best interest of the City, and not for any group or individual. She wished City Manager Maria V. Davis the best.

Dona Kelley of 830 Swan Avenue said that it is imperative that Council initiates a search for a person with top-notch credentials for the new City Manager and not to allow the City to slip back into a lackadaisical attitude that existed before Ms. Davis' tenure when a lot was talked about but nothing was done.

Ms. Kelley felt that it is prudent to promote from within only when a current employee matches an outside candidate, and if Council does not search, they will never know. She urged Council not to accept a short-term solution for a long-term problem, and not to get hung-up on the bogus issue of residency. She pointed out that with the exception of Councilman Caudle who is retired, all members of Council work outside the City and none of them provide lesser service because they do not live where they work.

Councilman Pacheco said that when he first asked to place this item on the agenda, City Manager Maria V. Davis pointed out that she had not yet made a decision, but he felt that it was imperative to begin discussing the issue. He explained that since that time, Ms. Davis has made her decision, and now Council must make some decisions tonight.

Councilman Pacheco said that Ms. Davis would like to make her resignation effective July 7, 2003, and Council should address this request as the first decision.

Councilman Caudle asked Ms. Davis if there was any chance that she would change her mind about resigning, and she responded "no".

Councilman Pacheco thanked Ms. Davis for her years of service to the City of Miami Springs and for doing an outstanding job, although it is not an easy job. He said that the job is not supposed to be political, but in reality, it is a political position. Councilman Pacheco felt that Ms. Davis has been subject to abuse, and unfortunately it goes with the territory. He thanked her again for giving 120% or more of herself to the City.

Councilman Pacheco said that he hates to see Ms. Davis leave the City on such short notice when there are many issues that are forthcoming, such as the budget, annexation, N. W. 36<sup>th</sup> Street, and Downtown Revitalization.

Councilman Pacheco commented that he understands it is time for Ms. Davis to move on, and he does not have a problem with accepting her resignation effective July 7, 2003, and he would like to open the discussion to the other members of Council.

Vice Mayor Elza stated that he would not have a problem if the July 7, 2003 effective date benefits Ms. Davis. He explained that if Council would be inclined to appoint an interim City Manager from within the City, then July 7<sup>th</sup> would not be an issue, because there is not enough time to conduct a search before that time. Vice Mayor Elza agreed with the comments that were made by the public that the City Council should evaluate all possible options in filling the position of City Manager.

Councilman Caudle said that he would approve the July 7, 2003 effective date with the understanding that an interim City Manager would be appointed. He thanked Ms. Davis for her hard work on the City's annexation plan, the revitalization plan, for obtaining grant funds, and for building a great staff. Councilman Caudle also thanked Ms. Davis for making difficult decisions that may not have been well accepted by everyone.

Councilman Youngs felt that July 7, 2003 would be fine, but that Council should have some sort of promise in exchange, and he hopes that Ms. Davis would be available to consult with the Interim City Manager or members of Council on any of the ongoing projects.

Mayor Bain stated that he would not have a problem with approving July 7, 2003.

**Vice Mayor Elza moved to approve the City Manager's request that July 7, 2003, be her last day of employment and that she agrees to give assistance when needed. Councilman Pacheco seconded the motion.**

Ms. Davis agreed to consult with the City as needed.

**On roll call vote, the motion carried unanimously.**

Ms. Davis thanked Council and every resident in the community for the past five years, which have been the most challenging and rewarding years in her career. She said that she loves the City of Miami Springs, what it is, what it can be, and she knows the City would become the Mecca that everyone envisions.

Ms. Davis stated that she could not find a better Staff and Administration, they work very hard and she thanks the community for their support. She explained that it is time for her to leave and she looks forward to the challenge she faces in the City of South Miami, and she is very sad to leave the Staff and residents who supported her.

Councilman Caudle suggested asking Ms. Davis who would be the person she would recommend for the position of Interim City Manager.

Ms. Davis explained that her right arm has been Assistant City Manager/Building Official Michael A. Sprovero, who has been involved in everything that was initiated, and there is nobody that is

more qualified and ready to accept the position on an interim basis. She added that Mr. Sprovero is not interested in accepting the position full-time, but he would be willing to help on an interim basis, and he is up to date on all the projects.

Councilman Caudle felt that it is a plus that Mr. Sprovero does not want the job permanently because he would continue doing the job on an interim basis, and hopefully he would stay on with the City after the permanent appointment is made.

Councilman Pacheco agreed with Councilman Caudle that it is a plus because Mr. Sprovero is not competing for the position, he understands that it is an interim appointment, and he would carry on with the same projects. He said there are many issues at hand, and it is important to proceed quickly on some items. Councilman Pacheco felt that Council should first ask Mr. Sprovero if he would consider the interim appointment.

Mr. Sprovero confirmed that he would accept the position on a temporary basis only until the City conducts a search and hires a permanent City Manager. He would be willing to assist the City and he spoke with the City Manager and some of the Department Heads who said they would help him with any problems until the City hires a permanent City Manager.

To answer Councilman Caudle's question, Mr. Sprovero explained that he is familiar with annexation, he attended every meeting with the Corradino Group, and he is also familiar with Downtown Revitalization, and the Canal Street project.

Vice Mayor Elza asked how far along the City is with the budget process.

Ms. Davis explained the budget process is more than two-thirds complete and only the Recreation Department budget is pending. She advised Council that the budget process would be complete before she leaves on July 7, 2003, and the Finance Director would only have to assemble the information for presentation to Council.

Councilman Youngs commented that there are a couple of options available for an Interim City Manager and the most natural choice would be to have the Assistant City Manager take the job, and one week ago Council did not know if Mr. Sprovero would be interested in the position, even on an interim basis. He said that there are other people that have City Manager or Assistant City Manager experience in the City, and this is a suggestion that the most likely person would be Mr. Sprovero because of the position he holds now, and it does not demean any other person in any way, shape or form.

Mayor Bain stated that his idea was to consider Code Enforcement Manager James R. Borgmann who has the experience as Assistant City Manager, and Mr. Borgmann would be his first choice.

Councilman Youngs said that James Borgmann has Assistant City Manager experience, Chief Dilling was also a City Manager for five years, and former City Manager Frank Spence might be available. He said that in his opinion, the best person would be Mr. Sprovero

Vice Mayor Elza stated that there are already three votes for Mr. Sprovero and he would make it four.

Councilman Pacheco felt that if Mr. Sprovero were appointed as Interim City Manager, that everything would stay in place and he would like continuity until Council appoints a permanent City Manager.

Councilman Caudle felt that Chief Dilling would be a good back up to Mr. Sprovero on an interim basis. He would not want the Interim City Manager to make any changes in Staff.

Mayor Bain asked how long the tenure of the Interim City Manager would last.

Councilman Youngs said that it is vague to say that the tenure would last until the City Council hires a permanent City Manager, but it helps to put expectations in the light of day, and the commitment to Council could be to stay on for a certain period of time.

Mr. Sprovero committed to stay until there is a permanent City Manager on board.

Vice Mayor Elza reminded Council that Mr. Sprovero is also the Chief Building Official and accepting the Interim City Manager position would be a big responsibility for him. He felt it is important for Council to support him and give him the option to select someone to be his assistant.

Vice Mayor Elza stated that Council is not in a position to dictate who can serve as any employee within the City, and if Mr. Sprovero elects to terminate someone, that is the power that Council has delegated to him as the City Manager.

Vice Mayor Elza added that the Charter states that Council cannot interfere in the hiring and firing of employees. He asked Attorney Seiden if this was in fact correct.

Attorney Seiden responded that Council could make certain restrictions on an interim basis and based upon the fact that it is not a permanent appointment and Council wants to maintain the status quo.

**Councilman Pacheco moved to appoint Michael A. Sprovero as the Interim City Manager until such time as Council appoints a permanent City Manager. Councilman Caudle seconded the motion, which carried 5-0 on roll call vote.**

Attorney Seiden advised Council that they must make some decisions about the search process and one is the scope of the search, and whether it is locally, within South Florida, the State of Florida or National. He said that Council must set a salary in the advertisement that would be attractive in order to bring a high quality person to the City, and Council must set specific qualifications such as Spanish speaking capabilities or anything other qualifications that should be determined. He added that Council must specify a procedure for the search, and perhaps the City could follow the

procedures of the City of South Miami, who did a good job in selecting the candidates.

Mayor Bain suggested obtaining the top ten resumes from the City of South Miami. He asked if a decision must be made tonight.

Attorney Seiden explained that he is raising some issues that the City Council might want to consider and Council must decide on the process. He suggested that Council might want to hold a Special Meeting to discuss the process or schedule discussion for an upcoming meeting.

Vice Mayor Elza asked for Human Resources Director Loretta Boucher to provide her recommendation for the job requirements. He felt that a bilingual person would benefit the City, but by the same token, he would not want the City to miss an opportunity to hire someone who is well qualified that does not speak Spanish.

Vice Mayor Elza thought it would be proper for Ms. Boucher to make a presentation to Council outlining the salary ranges based on the qualifications Council should be looking for.

Human Resources Director Loretta Boucher stated that if Council wants to conduct a national search, then she would provide a different proposal. She offered to provide what the job requirements and salary ranges were in the past and to make a recommendation as to what qualifications the City Council should look for.

Ms. Boucher said that she would call the City of South Miami because they conducted a more extensive search, and they actually listened and observed the City Manager candidates in action to see how they handle themselves. She explained that the City of Miami Springs conducts a background and criminal investigations, but the City of South Miami did more.

Vice Mayor Elza mentioned that the City could also advertise through the Florida League of Cities. He felt the search should be local and statewide to begin with.

Ms. Davis advised Council that they must consider the salary that must be paid in order to find a quality person. She explained that the cost of living in this area is high compared with North Florida and many of the City of South Miami candidates could not even come close to what South Miami was offering because of what it would cost them to relocate and purchase a home.

Ms. Davis stated that a year and a half ago the City Council set her salary at \$95,000.00, which she feels is extremely low for the quality that Council wants. She knows the City is not used to paying for what they expect, but this is such a crucial time for the City that it is important to pay enough to bring in the quality person. Ms. Davis said that the City would get what they pay for, and if they offer enough, they would find a quality person.

Councilman Caudle commented that a starting salary of \$100,000.00 should be enough to find a top-notch person.

Ms. Boucher offered to provide a salary survey of cities of comparable sizes.

Councilman Caudle added that besides size, Council must also consider all the issues that are pending in the City.

Mayor Bain asked if Council's direction tonight is to begin a statewide search.

Vice Mayor Elza said that he believed the direction is to begin a statewide search.

Mayor Bain asked Council if they would like to set a salary range tonight, or to wait until further information is provided.

Ms. Davis pointed out that Human Resources Manager Loretta Boucher has an up to date salary survey, and the salary in the Cody Pay Plan Study goes up to \$132,000.00, so the range could be set from \$100,000.00 to \$132,000.00, depending on experience, or if Council prefers, they could review the survey.

Mayor Bain stated that the search would be statewide, and the requirements and a salary survey would be submitted to Council for the Special Meeting. As part of the requirements, a bilingual person would be preferable, but not required.

Councilman Pacheco said that he would like to know what the City's responsibility would be for transportation and per diem expenses, throughout the interview process so Council would know all the costs going forward.

Ms. Davis said that Councilman Pacheco made a good point because Council would have to budget for the transportation and per diem expenses.

Vice Mayor Elza did not feel that the interviews would begin before October 1, 2003, considering the fact that Council does not meet in Regular session in July and August would be consumed with the budget meetings. He said the expense could be budgeted for next year.

Ms. Boucher added that there must be time for advertisements and some professional publications are published only once a month.

Councilman Pacheco recommended using a selection board to narrow down the number of candidates, so the best three or four would come to Council for the final selection. The selection board would be independent and Council would not be part of it.

Ms. Davis explained that the City of South Miami received 230 resumes for the City Manager position and then a selection board screened the resumes and narrowed the candidates to ten. The selection board interviewed the final ten and narrowed the candidates down to five, which were forwarded to the Commission.

Vice Mayor Elza agreed the City could form a selection board with members from the City of

Hialeah or other cities.

Vice Mayor Elza asked if Council should discuss the salary for the Interim City Manager now or wait until the next meeting.

Attorney Seiden stated that it would be appropriate to discuss the salary at this time since Assistant City Manager/Building Official would be taking over the position of Interim City Manager.

To answer Vice Mayor Elza's question, Mr. Sprovero stated his current salary is approximately \$80,500.00 with 50% charged to Administration as the Assistant City Manager, and 50% to the Building Department as the Building Official. He clarified that he participates in the 401A pension fund.

Vice Mayor Elza asked what is the minimum starting pay for the City Manager.

Ms. Boucher explained there is no salary range for the City Manager and Council sets the salary.

**Vice Mayor Elza moved to recommend \$95,000.00 as the beginning salary for the Interim City Manager and Councilman Youngs seconded the motion.**

Vice Mayor Elza said that Mr. Sprovero would continue to participate in the 401A and receive a car allowance.

**On roll call vote, the motion was unanimously carried.**

## **11. Golf Course Items:**

**11A) Recommendation of Award for Professional Marketing Services for the Golf Course Food and Beverage Operation to The Conroy Martinez Group in an Amount Not to Exceed \$12,500.00, Waiving the Competitive Bid Process in Accordance with §31.11 (E) (6) (g) of the City Code of Ordinances (Requested by City Manager Maria V. Davis)**

City Manager Maria V. Davis stated that she hired The Conroy Martinez Group to develop a marketing plan for the Golf Course Food and Beverage operation. She said that she committed to engage in aggressive marketing once the operation reached the point that she felt it was marketable. Ms. Davis said that the summer months are here and the banquet sales are not as high as they should be, which is directly related to a lack of marketing.

Ms. Davis said that she received the marketing plan today and she has hired The Conroy Martinez Group to do the marketing plan for \$5,000.00. She is now requesting approval to exceed her authority because she would like for the firm to assist with the implementation of the marketing plan

through September 30, 2003. There are funds in the budget for marketing and now the operation is ready to be marketed.

Ms. Davis requested Council's authority to work with The Conroy Martinez Group and to expend an amount not to exceed \$12,500.00 between now and September 30, 2003, to assist with the implementation plan for marketing.

Vice Mayor Elza asked for a copy of the \$5,000.00 marketing plan.

Ms. Davis reiterated that she received the marketing plan today and she did not want to give it to Council at the last minute. She is really only asking for \$7,500.00 and she wanted Council approval to avoid the problems that she encountered in the past with the Joyce La Fray contract.

Vice Mayor Elza said that he would like to see the marketing plan before authorizing any more funds. He would like to see what the marketing plan involves and what services would be provided.

Mayor Bain stated that he agrees with Vice Mayor Elza.

Councilman Youngs asked if the proposal by Vice Mayor Elza was to review the plan at the July meeting.

Vice Mayor Elza responded that he would like Council to consider the marketing plan at the July meeting after having an opportunity to review the report.

Attorney Seiden stated there is a Special Meeting scheduled for June 30, 2003 and it could be placed on that agenda, instead of the July meeting.

Vice Mayor Elza explained that the Special Meeting would be held at the Miami Springs Golf and Country Club and it is not the appropriate place to consider the marketing plan.

Mayor Bain felt that the item should be placed on the agenda for the July meeting.

Ms. Davis was concerned about losing two weeks' time.

Councilman Youngs said that when the Food and Beverage operation was split from the Golf Course, that the budget was never fully revised, and the budget for next year would be based upon the structure that the City Manager has worked through and what works now. This operation is losing money, and Council wanted to turn it around as much as possible, and a key ingredient to make this happen was the marketing.

Ms. Davis clarified that \$20,000.00 was budgeted for marketing.

Councilman Youngs asked how much money has been spent of the \$20,000.00.



Ms. Davis responded that \$4,000.00 was spent, the balance is \$16,000.00 and she is requesting approval to expend \$12,500.00.

Councilman Youngs stated the risk is that the operation is losing more money than was projected and he wants to make it clear, and there is no illusion that if the City goes ahead with this project and spend the money for marketing now, that the other operations will be within budget. The goal is to try to reverse the trend through marketing and promotion in order to increase the banquet, and food and beverage revenues.

Councilman Youngs asked the City Manager if the operation is ready for the kind of promotion that she is proposing. He said that there were concerns about the quality of food, the service, and the overall control of the operation.

Ms. Davis said that she felt comfortable with the quality of the food, but she is still concerned about the service. In her opinion, the operation has made a dramatic improvement in the last month, and the losses have been cut in half compared to last year. One cannot turn a \$350,000 loss around in four months. She felt there is no choice but to put a marketing plan in place. The banquet sales are down and marketing is essential to reduce the losses.

Councilman Caudle asked if the marketing plan includes the Golf Course.

Ms. Davis explained that DJB Management, Inc. is being paid to market the Golf Course. She said that she provided Council with Mr. Bradley's marketing plan, but she has not received the status yet.

Councilman Caudle said that people who come south for the winter are making their plans now for where they will stay, where they will play Golf, and where they are going to eat, and now is the time to begin marketing for the winter. He felt the quicker the plan is implemented, the better off the operation would be.

Councilman Youngs asked if there are any other options to reduce the losses.

Vice Mayor Elza felt that another solution would be to lower the level of service by not having a full restaurant every night for dinner, or to change things around to cut the losses. He said that all options must be considered because the City is facing a \$300,000 loss if the operation continues the way it is now.

Vice Mayor Elza did not see how the marketing could turn the operation around and bring enough people in to make a profit. He said that maybe the solution is to bring Mr. McCulley to a meeting and hear what recommendations he might have, and perhaps the fine dining is the wrong direction and it should be a more casual atmosphere.

Councilman Caudle said that Council must first decide what model they want for the operation, and he would not implement a marketing plan if it becomes a more casual atmosphere and the fine dining is eliminated.

Vice Mayor Elza said that he would like to see a copy of the marketing plan before spending more money. He felt the time has come for Council to address this issue and determine if there is a commitment to allow the loss to increase to more than \$300,000.00.

Councilman Youngs said that the request is for an extra \$7,500.00. He explained that he inquired about other options because the food and beverage revenue will suffer during the summer when the golf revenue is down, unless there is some additional attraction for the restaurant.

Councilman Youngs said the question in his mind is whether it is financially better to reduce the operation of the food and beverage over the summer to a bare minimum, or to spend the money on marketing and keep the same model of operation during the summer.

Councilman Youngs said that \$7,500.00 in marketing could generate revenue in excess of this amount if everything is in place. He does not know the answer, but these are options to consider and it seems that \$7,500.00 might not be a lot of extra money to spend if the revenues can be increased by \$10,000.00 a month for three months.

Vice Mayor Elza said that after the marketing plan is provided to Council and they have a chance to review it, then comments could be made about it. He would have thought that hiring an advertising agency would preclude having to pay somebody to prepare a marketing plan, but this might not be the case.

Ms. Davis stated that this is not the case.

Vice Mayor Elza reiterated that he wants to wait and see the marketing plan and know what the total costs would be.

Councilman Youngs stated that Council has charged the City Manager with the task of operating the Food and Beverage, minimizing the losses and maximizing the chances of breaking even, and she is making this recommendation and Council can look at the plan, evaluate it, and consider this request at the next meeting.

Ms. Davis asked if the marketing consultant could come forward to discuss the marketing plan.

Vice Mayor Elza asked the City Manager to please wait until Council reviews the plan.

Ms. Davis stated that she strongly recommends against waiting three weeks to make a decision on the marketing plan, and if Council approves the request, it should be done now.

Vice Mayor Elza explained there is already a consensus to wait until the next meeting.

Councilman Youngs said that he would like to hear from the consultants.

Ms. C. L. Conroy of The Conroy Martinez Group, introduced George Martinez and stated they have prepared a marketing plan with recommendations based on discussions with Food and Beverage

Manager Dan McCulley and a tour of the facility.

Ms. Conroy explained that her firm is familiar with Mr. McCulley, having worked with him when he was employed at John Martin's and O'Casey's restaurants, and that they handle marketing for a variety of restaurants.

Ms. Conroy said that they met with Dan McCulley and City Manager Maria V. Davis to discuss where the operation is now, where they would like it to be, the new menu, the new chef and other ideas for the operation. She said that Mr. McCulley also talked about considering the nights that are slow and perhaps not being open every night of the week.

Ms. Conroy stated that with the available information, they prepared a strategic marketing plan, which involves a variety of communication channels, including advertising, a direct mail program, and a very large publicity program. She explained that The Conroy Martinez Group is a public relations and marketing firm and not an advertising firm. They are paid a consultant's fee to act as if they were the City's in-house marketing department. Ms. Conroy said that she and one of her account executives would work with Mr. McCulley and the City Manager to implement the marketing plan.

Ms. Conroy said the plan entails a very itemized list of what they would do, which would be heavy in the first three months, and then there would be a maintenance program. She explained the restaurant needs to bring in revenue and it must be done sooner rather than later. A new brochure was sent out this week with a letter from the Rhodes Brothers and they suggest promoting the banquet facility to groups who would book events at the Country Club.

Ms. Conroy stated that she has twenty-three years experience and Mr. Martinez has twelve years experience in marketing. She said that they would work with speed to implement the plan and reach the residents and target the markets through the marketing channels. Ms. Conroy suggested that the restaurant could be reviewed and an article could be placed in a variety of newspapers.

Ms. Conroy explained the marketing plan is considered to be a fluid document based on the current information, and when they begin implementing it; there could be some differences. She suggested a survey program to see what people like or do not like about the restaurant, and also creating an awareness campaign because many people are not aware the restaurant is open to the public.

Vice Mayor Elza asked what would be the total expenditure to implement the plan including the advertising and mailing.

Ms. Conroy could not give a total amount until she gets the budget information from Mr. McCulley.

Vice Mayor Elza pointed out that the \$12,500.00 does not include advertising and it only includes the public relations contacts with the media to write food reviews and the professional expertise. He said that he would like to see how the total expenditure relates to how much additional revenue is needed to make the advertising campaign break even, and he would like these figures when Council

addresses this request at the next meeting.

Councilman Pacheco asked if part of the service includes an evaluation of the marketing to see how effective it is.

Ms. Conroy said that for \$12,500.00 the City would receive a strategic plan, including the copy for the ads, writing the ads, writing direct mail letters, creating collateral pieces, writing the copy for post cards, writing press releases, and implementing and overseeing the program.

Councilman Youngs asked how far they had looked at the revenues and the activity of the food and beverage operation for the Golf Course, and if they were able to make an assessment of the kind of return there would be based on the market. From a cost benefit analysis, he said the decision of this Council would be based on whether it is worth the expenditure because the operation is losing money, and they are trying to minimize the losses and avoid tax increases, while still keeping the quality of life for the residents.

Councilman Youngs asked if there is hope that there would be revenue dollars generated to cover the total cost of the program.

Ms. Conroy stated that they could provide the information on past experiences marketing other facilities and what worked to increase revenue.

Councilman Youngs asked Ms. Conroy if they could discuss specifics and have a total cost for the plan available for the Special meeting on June 30, 2003, when Council would discuss the Charter amendments.

Vice Mayor Elza stated that he would be in favor of waiting two weeks. He said that many people are already out of town for the summer.

Councilman Youngs commented that the Fourth of July Parade ends at the Golf Course and last year they were not prepared and they ran out of food.

Ms. Conroy stated that Mr. McCulley is prepared, and he is expecting 5,000 people on the Fourth of July, and they could do a publicity program around this.

Councilman Youngs would like to consider approval of the marketing plan on June 30, 2003.

Vice Mayor Elza emphasized that Council needs to know the total cost to implement the marketing plan and how much the advertising budget will be. He felt that if it is going to cost \$20,000 or \$30,000 that the funds would never be recovered before the end of the Fiscal Year. Vice Mayor Elza said that he does not want to spend any more money until Council has a chance to look at the marketing plan and knows what it would cost to implement it.

Councilman Youngs said that Council must weigh the total cost to implement the marketing plan

against the revenue that it will generate.

Vice Mayor Elza said that The Conroy Martinez Group was awarded a \$5,000.00 purchase order to prepare the marketing plan that Council is going to receive. The \$7,500.00 is the marketing fee to assist the City in implementing the plan, which is \$2,500.00 a month for three months.

Ms. Conroy said they would implement a publicity program, a press release campaign, but the fee does not pay for the City's out of pocket expenses for advertising.

Vice Mayor Elza was of the opinion that the restaurant would have to bring in an additional \$30,000.00 to recover the \$7,500.00 that is paid out.

Councilman Youngs said that if the expense for marketing plan is not feasible, then it should not be done, but if it is feasible, it should be done as soon as possible to minimize the loss and this is why Council should consider it on June 30, 2003.

Councilman Caudle commented that Council must also decide what model of operation they want for the restaurant.

Vice Mayor Elza could not see the necessity to push the marketing plan because there is not much difference in time between June 30 and July 14, 2003. He would like a workshop meeting so that Council really knows what they are doing and all the questions are answered. He said that it could be a waste of money to pay The Conroy Martinez Group \$2,500.00 a month to advise the City how to advertise if Council decides not to continue with the same model of operation for the restaurant.

Councilman Pacheco agreed that the losses have to stop and Council must have definitive answers and make decisions very shortly on what Council wants for the Country Club.

Councilman Youngs said that a Golf Course workshop meeting could be held for the purpose of focusing on the Food and Beverage and the Golf operation, but the question is when it would be held.

Councilman Caudle said that the bottom line is that Council must decide which direction they want the Golf Course to go and they must understand that it is a Municipal Golf Course, not a Country Club. He explained that private golf courses charge their members a fee every month and that is how they meet their budget, but the City cannot do this.

Councilman Caudle said that decisions must be made about the Food and Beverage service and if Council wants to continue the restaurant operation the way it is now, the marketing should be implemented.

Further discussion ensued regarding the feasibility of implementing the marketing plan.

Council **tabled** until July an award for professional marketing services for the Golf Course Food and Beverage operation to the Conroy Martinez Group.

**Councilman Pacheco moved to schedule a Special Meeting to discuss all Golf Course related matters and the financial statements. Vice Mayor Elza seconded the motion.**

**By consensus, Council agreed to hold a Special Meeting on Wednesday, July 23, 2003 at 7:00 p.m. to discuss the Golf Course.**

**11B) Review of Golf Course Financial Statements - May 2003**

Council **tabled** review of the May 2003 Golf Course financial statements.

**12. Other Business:**

None.

**13. Reports & Recommendations:**

**13A) City Attorney**

No report.

**13B) City Manager**

No report.

**13C) City Council**

**Thank you**

Vice Mayor Elza thanked City Manager Maria V. Davis for all her contributions to the City. He was very impressed with her accomplishments as the Public Services Director and other actions that have saved the City a lot of money over the last five years. He noted that her accomplishments include the Sewer Manifolding program and the repair of the sewer system.

Vice Mayor Elza said that Ms. Davis has a creative ability, and the expertise and knowledge to be able to deal with many problems and he will remember her when the flowers are planted each year.

**Thank you**

Councilman Pacheco thanked City Manager Maria V. Davis for her contributions to the City.

**River Cities Gazette**

Councilman Pacheco requested that an agenda item be scheduled for the first meeting in August to discuss advertising in the River Cities Gazette.

**Thank you**

Councilman Youngs said that he appreciates the heart and spirit that City Manager Maria V. Davis has for the City. He pointed out that she has taken on very tough issues, and her contributions might not be appreciated at this time, but the City will benefit from her accomplishments over the years.

**Annexation**

Councilman Youngs requested the City Council to designate a representative to start working on annexation.

**Vice Mayor Elza moved to appoint Councilman Youngs as the City's representative in the annexation process. Councilman Caudle seconded the motion, which carried unanimously on roll call vote.**

**City Manager**

Mayor Bain wished City Manager Maria V. Davis good luck in her new job as City Manager of the City of South Miami. He appreciates the support she has given him since he was elected.

**14. Adjourn.**

There being no further business to be discussed the meeting was adjourned at 12:35 a.m. (Tuesday, June 24, 2003)

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Billy Bain  
Mayor

**ATTEST:**

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Magali Valls, CMC  
City Clerk

Approved as written during meeting of: 8/11/2003

Transcription assistance provided by S. Hitafer

Words ~~stricken through~~ have been deleted. Underscored words represent changes. All other words remain unchanged.